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OFFICE OF PETITIONS

In re Application of
Joachim Kohler et al.
Application No. 09/973,193
Filed: October 10, 2001
Attorney Docket No. 13333US

ON PETITION

This is a decision on the petition filed August 30, 2005 to withdraw the holding of abandonment under 37 CFR 1.181 or in the alternative, to revive the above identified application, under 37 CFR 1.137(a).

The petition under 37 CFR 1.181 is **GRANTED**.

The petition under 37 CFR 1.137(a) is **DISMISSED as involving moot issues**.

This application became abandoned February 4, 2005 for failure to timely pay the issue fee in response to the Notice of Allowance mailed November 3, 2004. Accordingly, a Notice of Abandonment was mailed March 14, 2005.

Petitioner claims that the Notice of Allowance mailed November 3, 2004 was never received in that the Notice was mailed to the wrong address. Petitioners provide proof that an associate power of attorney, with a request for an address change, was filed February 26, 2002, prior to the mailing of the Notice of Allowance on November 3, 2004 and argue therefore that the USPTO records were not updated to reflect the address change.

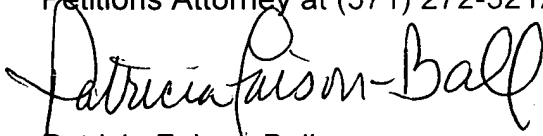
A review of the file confirms that an associate power of attorney and address change was indeed filed on February 26, 2002 and that the USPTO records were not updated. Although other correspondences were mailed from the USPTO to the prior address and timely responded to by the Attorneys of Record, the Notice of Allowance and the Notice of Abandonment was mailed to the wrong address and as petitioners claim, not received.

In view of the above, no petition fees are due and none have been charged. As well, there is no need to treat the petition under 37 CFR 1.137(a).

The Notice of Abandonment is withdrawn and this application is being forwarded to the Publishing Division to be processed into a patent.

The address has been corrected and this matter is being referred to the Publishing Division to be processed into a Patent.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in cursive script that reads "Patricia Faison-Ball". The signature is written in black ink and is positioned above the printed name and title.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions